

SPECIAL CITY COUNCIL MEETING  
JULY 17, 1995

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Dekker	Council Member
Dale Roper	Council Member

ABSENT

Robert Droubay	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Andy & Teresa Thompson	Vision Development Subdivision
Mr. & Mrs. Mike Holdaway	Plaza Lanes
Sherry McEntire	Pendray Estates
Phillip Sabey	Pendray Estates

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio stations, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Dekker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held June 26, 1995, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Alan Burraston MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Gayle Bunker MOVED that the accounts payable be approved for payment as listed in the amount of \$46,707.79. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESSNEW BUSINESSANDY THOMPSON, VISION DEVELOPMENT SUBDIVISION: FINAL PLAT - PHASE II - VISION DEVELOPMENT

Mayor Dafoe welcomed Andy Thompson and asked him to present a Final Plat for Phase II of the Vision Development Subdivision.

Mr. Thompson presented for approval the Final Plat for Phase II of the Vision Development Subdivision.

Mayor Dafoe said that he received a Quit Claim Deed for 450 North Street from the School District to Delta City and had it recorded today by the Millard County Recorder.

Discussion was held regarding 450 North street that runs south along Andy Thompson's property from 350 East to 100 East. Mr. and Mrs. Thompson said that it was their understanding from a meeting and from the minutes of the Millard School Board that the City would participate 50% and the School District would participate 50% in paving 450 North Street and that the project would be budgeted for in the FY 1995-1996 Budget.

Council Member Gayle Bunker said that the City Council has never agreed to a 50/50 participation with the School District on that street. Mr. Bunker explained to Mr. Thompson that City Council meetings are the only place that City Council decisions and actions are approved and a vote is taken. Once decisions are discussed and approved, those decisions are then entered into the minutes, and once the minutes have been approved they then become official records of the City.

Mrs. Thompson said that they have tried to do what has been required and they have based their subdivision on the minutes of that meeting and the fact that the minutes state that Delta City and the School District will participate 50/50.

Council Member Gayle Bunker said that all improvements required by the Subdivision Ordinance are the responsibility of the subdivider not the City and they must comply with the Subdivision Ordinance.

Mr. Thompson asked if Delta City would participate 50/50 with the School District in paving 450 North Street. Mayor Dafoe said that this project has not been budgeted for in the current budget, and he does not know when it will be budgeted for. However, he said that the road will need to be graveled for bus traffic.

Mr. Thompson then said that he would not deed 27 feet of his property to the City if they would not participate in the paving of the road.

Council Member Gayle Bunker said that based on Mr. Thompson's decision not to deed property to the City then the Final Plat cannot be approved.

Following discussion, Council Member Gayle Bunker MOVED to not spend any City money for paving and preparing road base on 450 North Street between 100 East and 350 East at the current time. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Following further discussion, Council Member Gayle Bunker MOVED to disapprove the Final Plat-Phase II-Vision Development Subdivision until all Subdivision Ordinance requirements are complied with. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE/ANDY THOMPSON: WATER DEDICATION REQUIRED BY PRIOR ORDINANCE

Mayor Don Dafoe explained that Ordinance No. 81-28 was prepared and adopted annexing Andy Thompson's property into the City limits. At the time of annexation the property was owned by Kay H. Traveller and Allen Webb and they had plans for a Planned Unit Development.

The ordinance required Traveller & Webb to reimburse the City for its actual cost incurred in acquiring and receiving approval for use of water rights in sufficient to supply 36.7 acre feet of culinary quality water to the annexed territory. The ordinance is still effective therefore Mr. Thompson is now required to supply 36.7 acre feet of water for that property when developed.

Andy Thompson has requested that, since he is developing single family residences rather than a Planned Unit Development, the water requirement be substantially less than 36.7 acre feet.

Mayor Dafoe said that he, Andy Thompson and Neil Forster met and reviewed the ordinance and discussed a proposed amendment that would require one-acre foot per acre lot.

Council Member Gayle Bunker said that it was his understanding that 1.5 acre foot of water per acre lot was required. Mr. Forster said that he has been requiring one-acre feet per acre lot.

Following discussion, Council Member Dale Roper MOVED that Attorney Richard Waddingham and Public Works Director Neil Forster meet and review the existing ordinance and determine if the ordinance should be repealed in it's entirety or amended to conform with the Subdivision Ordinance. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Following further discussion, Council Member Gayle Bunker MOVED that they allow Andy Thompson a temporary hook-up to water and that he pay the costs associated with that hook-up up front until the annexation ordinance is revised to reflect the current usage of that property. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MIKE HOLDAWAY, PLAZA LANES: CLASS B & C BEER LICENSE

Mayor Don Dafoe welcomed Mike and Natalie Holdaway, Plaza Lanes, and asked them to present their request for a beer license.

Mike Holdaway addressed the City Council and said that they are requesting a Class C Beer License for the bowling center and a Class B Beer License to reopen the tavern that is located next to the bowling center. He said that they would not sell any alcoholic beverages until after 4:00 p.m. Monday through Friday.

Attorney Richard Waddingham read the following definition of Licensed Premises:

"Licensed Premises" shall mean any room, house, building, structure or other place occupied by any person licensed to sell beer or liquor or to allow the consumption of beer or liquor on the premises under this ordinance. Multiple beer or liquor dispensing facilities located in one building and owned or leased by one licensed person shall be deemed to be only one licensed premises provided that each dispensing point must be designated and the appropriate licenses obtained and prominently displayed at each dispensing point.

Attorney Waddingham said that his concern is whether or not the Plaza Lanes bowling center and tavern is considered one building because of the access to the tavern from the bowling center. If it

is one building, under a Class B Beer License minors would not be allowed in the bowling center.

Lengthy discussion was held regarding a tavern connected to the bowling center. Council Member Robert Dekker spoke in opposition to a Class B Beer License because of the accessibility to the tavern for minors.

Mr. Holdaway said that he has operated the Maple Lanes in Orem, Utah, which is a bowling center and a private club, and they have not had any problems with minors.

Sherry McEntire, City Resident, was in attendance and she said that she has some concerns regarding a tavern in that location. She said that she thinks other residents would also be concerned and recommended that a Public Hearing be held to receive public comments regarding this issue.

It was stated that the zoning is appropriate for this type of a facility.

Discussion was held regarding a proposed amendment to the Business License Ordinance to redefine the definition of "Licensed Premises" in order to address the one building issue. No decision was made and the City Council requested time to consider a Class B Beer License.

Following discussion, Council Member Gayle Bunker MOVED to authorize Mayor Dafoe to give Mr. & Mrs. Holdaway a letter consenting to a Class C Beer License at Plaza Lanes. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER: PROPOSED ORDINANCE REGARDING PROPOSED ZONE CHANGES FROM MULTIPLE FAMILY RESIDENTIAL (R2) TO SINGLE FAMILY RESIDENTIAL (R-1-B)/PENDRAY ESTATES SUBDIVISION

Mayor Dafoe asked Council Member Gayle Bunker to discuss a proposed zone change with the City Council.

Council Member Gayle Bunker presented a proposed ordinance entitled:

**ORDINANCE NO. 95-165**

**AN ORDINANCE OF THE CITY COUNCIL OF DELTA,  
UTAH AMENDING THE ZONE DISTRICT BOUNDARIES TO  
RECLASSIFY CERTAIN PROPERTY FROM MULTIPLE  
FAMILY RESIDENTIAL (R-2) TO SINGLE FAMILY  
RESIDENTIAL (R-1-B)**

Councilman Bunker said that a petition was submitted by Sherry McEntire to change the zone of certain property from Multiple

Family Residential (R-2) to Single Family Residential (R-1-B), for the purpose of establishing the same zone classification for single family residences in Pendray Estates Subdivision.

The Planning Commission reviewed Mrs. McEntire's proposal and recommended the zone change. The City Council also conducted a Public Hearing and received public comments regarding the requested zone change.

Council Member Gayle Bunker then MOVED to adopt Ordinance No. 95-165 as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Absent
Council Member Dale Roper	Yes

Mayor Dafoe then signed the Ordinance. Mayor Dafoe's signature was attested to by City Recorder Dorothy Jeffery.

COUNCIL MEMBER GAYLE BUNKER: PROPOSED ORDINANCE REGARDING PROPOSED ZONE CHANGES FROM SINGLE FAMILY RESIDENTIAL (R-1-B) TO MULTIPLE FAMILY RESIDENTIAL (R2)/PENDRAY ESTATES SUBDIVISION

Mayor Dafoe asked Council Member Gayle Bunker to discuss a proposed zone change with the City Council.

Council Member Gayle Bunker presented a proposed ordinance entitled:

**ORDINANCE NO. 95-166**

**AN ORDINANCE OF THE CITY COUNCIL OF DELTA, UTAH AMENDING THE ZONE DISTRICT BOUNDARIES TO RECLASSIFY CERTAIN PROPERTY FROM SINGLE FAMILY RESIDENTIAL (R-1-B) TO MULTIPLE FAMILY RESIDENTIAL (R-2).**

Councilman Bunker said that Zoning Officer Neil Forster submitted a proposal to the Delta City Planning Commission to change the zone classification of certain property in the Pendray Estates Subdivision from Single Family Residential to Multiple Family Residential for the purpose of providing consistency with the R-2 zone in Pendray Estates.

The Planning Commission reviewed Mr. Forster's proposal and recommended the zone change. The City Council also conducted a Public Hearing and received public comments regarding the requested zone change.

Council Member Gayle Bunker then MOVED to adopt Ordinance No. 95-166 as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Absent
Council Member Dale Roper	Yes

Mayor Dafoe then signed the Ordinance. Mayor Dafoe's signature was attested to by City Recorder Dorothy Jeffery.

COUNCIL MEMBER GAYLE BUNKER: ORDINANCE REGARDING A PROPOSED ZONE CHANGE FROM COMMERCIAL DEVELOPMENT TO RESIDENTIAL DEVELOPMENT (RD) ON PROPERTY LOCATED SOUTH ON LOCUST AVENUE/KIRTT & LISA MYERS

Mayor Dafoe asked Council Member Gayle Bunker to discuss a proposed zone change with the City Council.

Council Member Gayle Bunker presented a proposed ordinance entitled:

**ORDINANCE NO. 95-167**

**AN ORDINANCE OF THE CITY COUNCIL OF DELTA, UTAH AMENDING THE ZONE DISTRICT BOUNDARIES TO RECLASSIFY CERTAIN PROPERTY FROM COMMERCIAL DEVELOPMENT (CD) TO RESIDENTIAL DEVELOPMENT (RD).**

Councilman Bunker said that a petition was submitted by Kirtt and Lisa Myers to the Delta City Planning Commission to change the zone classification of certain property located south on Locust Avenue from Commercial Development (CD) to Residential Development (RD) for the purpose of developing a one acre single lot subdivision to establish their residence. The property proposed for a zone change is located next to Commercial Development on the north, which could allow for a commercial business to locate next to their property.

The Planning Commission reviewed Mr. & Mrs. Myers' proposal and recommended the zone change. The City Council also conducted a Public Hearing and received public comments regarding the requested zone change.

Council Member Gayle Bunker then MOVED to adopt Ordinance No. 95-167 as presented. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Absent
Council Member Dale Roper	Yes

Mayor Dafoe then signed the Ordinance. Mayor Dafoe's signature was attested to by City Recorder Dorothy Jeffery.

MAYOR DON DAFOE: RESOLUTION NO. 95-234 REVISING THE MONTHLY SERVICE CHARGES FOR USE OF THE DELTA CITY WATER AND SEWER SYSTEMS

Mayor Dafoe explained that Resolution No. 95-234 was adopted in a Regular City Council Meeting held June 26, 1995. However, the resolution was not properly stated on the agenda and the sewer portion of the resolution was left off. Mayor Dafoe said that the resolution was being presented for ratification of prior Council action.

Council Member Gayle Bunker MOVED to adopt Resolution No. 95-234 revising the monthly service charges for use of the Delta City water and sewer systems. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Absent
Council Member Dale Roper	Yes

Mayor Dafoe then signed the resolution. Mayor Dafoe's signature was attested to by City Recorder Dorothy Jeffery.

MAYOR DON DAFOE: MILLARD COUNTY LANDFILL PROPOSAL

Mayor Dafoe presented and reviewed a letter from the Millard County Commissioners that addresses landfill requirements. The Commissioners stated that some communities have expressed an interest in pursuing mandatory household garbage collection. Therefore, they are asking each community if they are supportive of a county-wide automated garbage collection program for the incorporated cities and towns within Millard County.

The letter stated the following options:

"1. We can leave our collection program as it currently exists. Our fees will need to increase from \$4.00 to \$6.00 per household with a commensurate increase for commercial.



(Fillmore's fees will be different, because they already have mandatory collection).

2. We can expand our services to include weekly automated residential pick-up for the incorporated cities and towns, and large pockets of unincorporated areas. The green bins service will remain to accommodate the larger bulky waste the could not be placed in the automated 90 gallon trash cans. This complete service would cost approximately \$8.00 to \$9.00 per household per month. We could not provide this type of service unless the large majority of the incorporated cities and town chose to participate.

These fee increases take into account the need to replenish our capital reserve account that has been depleted by meeting the new federal regulations."

Following discussion, Council Member Gayle Bunker MOVED to look into the feasibility of mandatory garbage pick-up within Delta City and make a decision after we receive all the cost figures and facts concerning the change over to mandatory garbage pick-up. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### OTHER BUSINESS

Mayor Dafoe asked Council Member Alan Burraston to obtain bids for replacing the front of the airport building and bring back to the City Council.

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Discussion was held regarding the Library hours. The Library currently opens to the public at 2:00 p.m. Several residents have requested that the Library open earlier - possibly at 10:00 a.m. or 12:00 noon. This item will be discussed further at the next Regular City Council Meeting.

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Mayor Dafoe said that the State Engineer approved a transfer of 450 acre feet of water to Delta City from Delta Lands for \$150.00. However, there is a reduction of 15% so the usage will be 388 acre feet.

Attorney Waddingham said that Delta City will need to sign an affidavit stating that Delta City's wells will adequately pump an additional 388 acre feet of water.

Discussion was held regarding the purchase of the additional water after which Council Member Gayle Bunker MOVED to authorize Mayor Dafoe to sign any documents necessary to complete the purchase of water rights of approximately 450 acre feet for \$150.00. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Gayle Bunker recommended that dogs on a leash or with an owner nearby be prohibited in the City Park.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:00 p.m.

  
DON DAFOE, Mayor

  
DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: RCCM 8-14-95